IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5963 of 2007()

[CRIME NO.356/2007 OF KOTTIYAM POLICE STATION]

: PETITIONERS

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1. MOHAN KUMAR,
   BHAGYALAYAM, MUTHUPILAKAD WEST, SASTHAMKOTTA,
   KOLLAM.

2. SAROJINI,
   THANNIKKALAZHIKATHU PADINJATTATHIL,
   MUTHUPILAKAD WEST, SASTHAMKOTTA, KOLLAM.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
   KOTTIYAM.

2. PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5963 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and mother-in-law of the de facto complainant. Marriage between the de facto complainant and the first petitioner took place in 2000. The couple are blessed with one child. The petitioners now face allegations for the offence punishable under Section 498A read with 34 I.P.C. The crime has been registered on the basis of a private complaint filed by the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The de facto complainant has some mental ailment. She had once jumped into a well earlier. There is strain in the matrimonial tie. Because of such strain, fanciful and exaggerated allegations are now being raised against the petitioners. The petitioners may be saved of the undeserved trauma of arrest and detention. They are willing to abide by any conditions, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the said prayer. In the facts and circumstances of this case, I am satisfied that the stand taken by the learned Public Prosecutor is fair and reasonable. I am satisfied that anticipatory bail can be granted to the petitioners subject to appropriate conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 15/10/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 16/10/2007 and 17/10/2007 and thereafter on all Wednesdays and Sundays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 15/10/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 15/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007